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| 10/760,252 | 01/21/2004 | Kia Silverbrook | SMA09US | 1044 |

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

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| EXAMINER |
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MARTIN, LAURA E

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| ART UNIT | PAPER NUMBER |
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2853

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06/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/760,252 | Applicant(s) SILVERBROOK ET AL. | |
| | Examiner LAURA E. MARTIN | Art Unit 2853 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2-7 and 10-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al. (US 2002/0192003 A1) in view of Silverbrook et al. (US 2003/0112308 A1) and Murakami et al. (US 2003/0142165 A1).

Koike et al. disclose the following claim limitations:

As per claim 1: a digital photofinishing system comprising a digital processor (figure 1, element 42), a printer (figure 1, element 46) and means for feeding plain paper to the printer from a roll of the paper (figure 2, elements 62 and 63), the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is representative of the photographic image [0109] – [0110], the printer being coupled to the digital processor (figure 1, elements 42, 44, and 46) and arranged to process the drive signal and effect page-width printing (figure 2, element 46 is a pagewidth printhead) of the photographic image on the paper as it is fed directly to the printer from the roll (figure 2, element 62) wherein the digital processor is arranged to receive said digitised data from an input source selected from a scanning device (figure

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1, element 12) and [0036], a computer disk, a digital camera output, a digital camera memory card, a digital file and an internet connection [0036] – [0039].

As per claim 9: the digitised data is input to the digital processor as a standardised image compression signal and processed as JPEG files [0042] – [0044].

Koike et al. do not disclose the following claim limitations:

As per claim 1: the printer incorporating at least one print head assembly that is arranged to provide for printing of the paper with a feed rate up to 2 metres per second or non-coated paper.

Silverbrook et al. disclose the following claim limitations:

As per claim 1: the printer incorporating at least one print head assembly that is arranged to provide for printing of the paper with a feed rate up to 2 metres per second [0205].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the photofinishing system taught by Koike et al. with the feed rate taught by Silverbrook et al. in order to print rapid but precise images. Also, it is well known in the art that paper can be fed through a printing system at different rates.

Murakami et al. disclose the following claim limitations:

As per claim 1: non-coated paper (claim 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printing system taught by Koike et al. with disclosure of Murakami et al. as it is well known in the art to use different types of paper in printers. Coated paper also can improve image quality.

Response to Arguments

Applicant's arguments filed 2/23/09 have been fully considered but they are not persuasive.

Applicant argues that the processor taught in Koike et al. does not receive digitized data; however, examiner disagrees. The system is digital in that it receives a digital file, taught in [0036] – [0039]. The data is converted in element 12 and goes from processing device (element 14) to the printer (element 16) in figure 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is (571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

/L. E. M./
Examiner, Art Unit 2853

/Manish S. Shah/
Primary Examiner, Art Unit 2853